

REMARKS/ARGUMENTS

The Office Action of September 21, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

The claims were amended to recite that the support member is bent "concaved rearward." See page 13, line 6, of the specification for support for this amendment. Figures 7 and 8 also show that the flexible support member is adjusted in a rearward concaved position relative to the back of a seated person.

Claims 1-2, 5 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated Swenson (U.S. Patent No. 4,156,444). Swenson does not teach or suggest each element of the instant claims as required under 35 USC 102.

Claim 1 recites that the support member is bent "concaved rearward." This is in contrast to the lumbar support of Swenson which is adjusted in a convex position relative to the back of a seated person. A lumbar support is understood to mean a support that presses into the lumbar region of the back.

Moreover, the lumbar support in Swenson does not bridge the frame elements as required in the instant claims. Instead, the lumbar support in Swenson is positioned between backrest portions. The lumbar support is adjusted by adjusting the bottom of the support vertically in order to bend the lumbar support in a horizontal plane. The adjust mechanism is turned to engage track sprockets in vertical tracks. In contrast, in the instant claims, the adjust mechanism bends the flexible support member in a vertical plane. This is achieved by the motion of the adjusting mechanism which bends the flexible support member by moving the member left to right or right to left depending on which side the pin is placed and which side the holes are placed. Compare Figures 7 and 8.

Swenson does not anticipate the instant claims and withdrawal thereof is requested.

Claims 1-2, 5 and 12-14 stand rejected under 35 U.S.C. 102(b) as being anticipated Sheldon (U.S. 4,153,293). Sheldon does not teach or suggest each element of the instant claims as required by 35 USC 102.

Sheldon does not teach or suggest a support member that is bent "concaved rearward." Sheldon instead describes that the backrest is bowed "convexly forwardly with respect to the frame." See column 2, lines 30-31.

In addition, Sheldon describes a backrest that adjusts between the top and bottom frame members. Items 16 and 18 are not right and left side "frame elements" as asserted by the Examiner but are instead top and bottom parallel end members. The top of the backrest is moved downward so that the backrest is bowed "convexly forwardly." The adjust mechanism is a screw bolt which is turned to raise or lower bar 20.

Sheldon does not teach a flexible support member that is bent "concaved rearward" and that bridges the frame elements to support a load of a body of a seated person. Sheldon further does not describe an adjust mechanism having a pin that can engage an engaging hole in various positions. Instead Sheldon uses a screw bolt (not a pin) which is turned to change the position of bar 20.

Sheldon does not anticipate the instant claims and withdrawal thereof is requested.

Claims 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon (U.S. 4,153,293) in view of Peterson (U.S. Patent 6,220,661). Peterson is provided to show that chairs can be upholstered. Peterson does not remedy the defects of Sheldon discussed above. Withdrawal of this rejection is requested.

CONCLUSION

In view of the above amendments and remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance are requested. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

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